

RECEIVED

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: Hon. EDWARD H. LEHNER PART 19

Justice

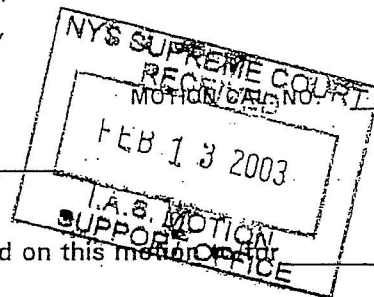
NORTHEAST RESTORATION CORP.,

Plaintiff,

-against-

BOARD OF MANAGERS OF THE 195 HUDSON STREET
CONDOMINIUM, 195 HUDSON STREET ASSOCIATES,
LLC and JEFFREY M. BROWN ASSOCIATES, INC.,

Defendants.

INDEX NO. 600664/02MOTION DATE 11/8/02MOTION SEQ. NO. 001

The following papers, numbered 1 to _____ were read on this motion.

PAPERS NUMBERED _____

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits _____

Replying Affidavits _____

FILED
 FEB 21 2003
 NEW YORK
 COUNTY CLERK'S OFFICE
Cross-Motion: ☐ Yes ☐ No

Upon the foregoing papers, it is ordered that this motion by defendant Jeffrey M. Brown Associates, Inc. ("Brown") to dismiss the complaint as against it pursuant to CPLR 3211(a)1 which, without objection, was converted to a motion for summary judgment is granted, and the clerk shall enter judgment accordingly, severing the action against the other defendants.

The action against Brown is based on an alter ego theory. Although permission was granted after conversion for the submission of additional papers, no further affidavits were submitted. The general rules on piercing the corporate veil were set forth in *Morris v. New York State Department of Taxation and Finance*, 82 NY2d 135 (1993), as follows (pp. 141-142):

"...piercing the corporate veil requires a showing that: (1) the owners exercised complete domination of the corporation in respect to the transaction attacked; and (2) that such domination was used to commit a fraud or wrong against the plaintiff which resulted in plaintiff's injury.

* * *

EXH. 8

Check one: ☐ FINAL DISPOSITION ☒ NON-FINAL DISPOSITIONMOTION/CASE IS RESPECTFULLY REFERRED TO
JUSTICE